

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff)
v.)
PHB, INC. d/b/a PHB DIE CASTING,)
Defendant)

RECEIVED
AUG 24 2004
CLERK U.S. DISTRICT COURT
WEST DIST. OF PENNSYLVANIA

CIVIL ACTION NO. 01-215 ERIE

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is entered into by and between plaintiff THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (hereinafter "EEOC" or the "Commission") and defendant PHB, INC., d/b/a PHB DIE CASTING (hereinafter "PHB Die Casting"), by their respective attorneys.

WHEREAS, on June 27, 2001, the Commission filed this civil action against PHB Die Casting, alleging that PHB Die Casting violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. (hereinafter "Title VII"), when it discharged Frederick E. Jackson (hereinafter "Jackson") from employment effective, March 19, 1999; and

WHEREAS, PHB Die Casting denies any violation of Title VII with respect to the discharge of Jackson from employment and has contested the Commission's claims under Title VII; and

WHEREAS, the Commission and PHB Die Casting hereby agree that this Settlement Agreement shall resolve, fully and finally, all claims which were presented by the Commission in the Complaint filed in this civil action and shall be final and binding between the parties hereto and their respective successors and assigns; and

WHEREAS, this Settlement Agreement shall not constitute an adjudication of, or a finding on, the merits of the Title VII claims in this civil action and shall not be construed as an admission by PHB Die Casting of any violation of Title VII with respect to the discharge of Jackson from employment, which alleged violation is expressly denied.

NOW, THEREFORE, in consideration of the mutual promises set forth herein and intending to be legally bound hereby, the Commission and PHB Die Casting agree as follows:

1. The Commission is the agency of the United States government authorized by Congress to investigate allegations of unlawful employment discrimination based upon race, to bring civil actions based upon such allegations of unlawful practices and to seek relief for individuals affected by such practices.
2. The parties acknowledge the subject matter jurisdiction of the United States District Court for the Western District of Pennsylvania over the Title VII claim filed by the Commission against PHB Die Casting and the personal jurisdiction of the Court over the parties to this civil action.
3. This Settlement Agreement is entered into in compromise of the disputed claims by the Commission filed against PHB Die Casting in this civil action and is not intended to be an admission of any liability on the part of PHB Die Casting under Title VII with respect to the discharge of Jackson from employment, effective March 19, 1999, which liability has been, and continues to be denied by PHB Die Casting.
4. Within thirty (30) days after Court approval of this Settlement Agreement, PHB Die Casting, through its insurance carrier, Federal Insurance Company, shall pay Jackson the gross amount of Ten Thousand Dollars (\$10,000.00), less required federal, state and local withholding,

in full and final settlement of the Title VII claims by the Commission against PHB Die Casting in this civil action. The settlement check will be sent directly to Jackson at 423 East 6th Street, Erie, Pennsylvania 16507, and a photocopy of said check shall be mailed to the Commission, to the attention of M. Jean Clickner, Trial Attorney, Equal Employment Opportunity Commission, 1001 Liberty Avenue, Suite 300, Pittsburgh, Pennsylvania 15222.

5. Within ten (10) days of Court approval of this Settlement Agreement, PHB Die Casting shall post a Notice, in the form attached hereto as Exhibit A, in a conspicuous location which is used for the posting of employee notices at its business location at 7900 West Ridge Road, Fairview, Pennsylvania. The Notice shall remain posted for a period of ninety (90) days. Should the posted Notice become defaced, removed, marred, or otherwise illegible, PHB Die Casting agrees to immediately post another readable copy in the same manner as heretofore specified. Within ten (10) days of the posting, counsel for PHB Die Casting shall mail a copy of the Notice, along with the date and location of its posting, to the Commission, to the attention of M. Jean Clickner, Trial Attorney. The Notice reflects PHB Die Casting's understanding of its obligations under Title VII.

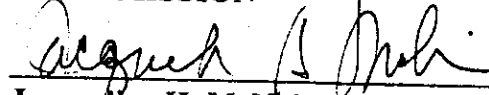
6. The Commission and PHB Die Casting agree to discontinue the Federal Court Lawsuit, with prejudice, by filing a Stipulation of Dismissal to that effect.

7. In the event that any dispute or question arises as to the interpretation or implementation of this Settlement Agreement between the Commission and PHB Die Casting, the parties shall attempt to resolve such dispute or question informally within thirty (30) days, but if the matter still is unresolved, then shall submit the dispute or question to the Court.

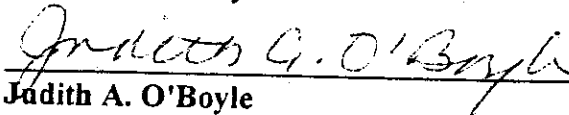
8. The parties agree that the Court shall retain jurisdiction over this civil action solely for the purpose of enforcing this Settlement Agreement, should that become necessary.

9. This Settlement Agreement shall be filed with the Clerk of Court of the United States District Court for the Western District of Pennsylvania and submitted to the Honorable Sean J. McLaughlin, United States District Judge, for approval.

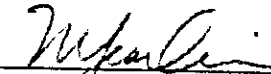
**U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**



Jacqueline H. McNair
Regional Attorney



Judith A. O'Boyle
Supervisory Trial Attorney

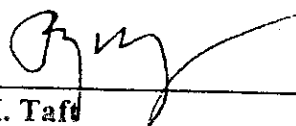


M. Jean Clickner
Trial Attorney

PA ID No. 42738

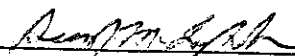
**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

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Erie, Pennsylvania 16507-1459
(814) 870-7603
Attorney for Defendant
PHB, Inc. d/b/a PHB Die Casting

Approved by the Court on this 5th day of August, 2003.



Sean J. McLaughlin
United States District Judge

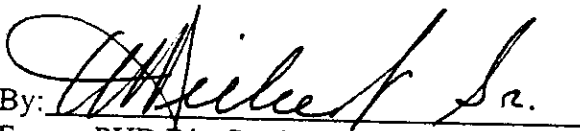
NOTICE


Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination against employees and applicants for employment based upon their race, color, sex, religion or national origin. Title VII further prohibits retaliation against employees or applicants who avail themselves of their rights under Title VII by engaging in protected activities such as the filing of a charge of discrimination. The Equal Employment Opportunity Commission is the federal agency that investigates charges of discrimination and brings lawsuits in federal district courts to enforce Title VII.

This notice is being posted as part of the resolution of *EEOC v. PHB, Inc, d/b/a. PHB Die Casting*, Civil Action Number 01-215 Erie (WD PA). The EEOC brought this action under Title VII which prohibits discrimination on the basis of race. The parties have agreed to settle the case without a trial and without any admission of any violation of Title VII by PHB Die Casting. To the contrary, PHB Die Casting has denied, and continues to deny, committing any act of discrimination. PHB Die Casting reaffirms its commitment to comply with Title VII in all respects and will not engage in any employment practice which operates to deny equal employment opportunities in violation of Title VII.

Furthermore, in accordance with Title VII, PHB Die Casting reaffirms that it will not take any action against any employee or applicant for employment because he or she has exercised any right under Title VII, including the filing of a charge of discrimination.

This Notice will remain posted at PHB Die Casting's business location on a bulletin board where notices, bulletins or announcements are usually and normally posted for the benefit of employees. This Notice must not be defaced or removed.

By: 
For: PHB Die Casting

By: 
For: The Equal Employment
Opportunity Commission